

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEANNA L. FREITAG,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

NO. C00-2278 TEH

ORDER RE: REFERRAL OF
PENDING ATTORNEYS' FEES
MOTION TO MAGISTRATE
JUDGE

On January 12, 2009, this Court referred Plaintiffs' pending motion for attorneys' fees, including the parties' objections to the Honorable Bernard Zimmerman's report and recommendation, to the Honorable Maria-Elena James for a mandatory settlement conference. Judge James has subsequently held two settlement conferences and has reported to this Court that it appears settlement can be reached on Plaintiffs' pending motion. However, she has also reported that an issue has arisen over Plaintiffs' entitlement to fees for future work, which Plaintiffs anticipate will be necessary to continue monitoring the injunctive relief imposed in this case. Judge James informed the parties that she would confer with this Court, and that a clarifying order would issue.

This Court now explains that only Plaintiffs' pending motion for attorneys' fees was referred to Judge James for settlement. While the parties may also choose to agree upon a framework for any future claims for attorneys' fees by Plaintiffs, this Court did not refer that issue to Judge James. The Court expects only that the settlement reached with the assistance of Judge James at this time will fully resolve the attorneys' fees motion filed by Plaintiffs on September 15, 2008.

IT IS FURTHER ORDERED that the parties shall meet and confer regarding their respective views on the status of the injunctive relief order in this case. The parties shall file

1 a joint status statement on or before **June 29, 2009**, setting forth all areas on which the
2 parties agree and explaining the reasons for any outstanding disagreements. The Court will
3 review the parties' submission and determine appropriate further proceedings.

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5 **IT IS SO ORDERED.**

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7 Dated: 06/01/09



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT